

**PUBLIC HEARING REQUIREMENTS**  
**ZONING BOARD of APPEALS (ZBA )**  
**LANESBOROUGH , MASS.**

-A Notice of Hearing has to be mailed to all affected parties. ( Determined by the Tax Assessors & the ZBA chairman.)The notice of hearing will be prepared by the ZBA and mailed by the Town. The postage of the notice(s) will have to be paid by the petitioner prior to calling to order the Public Hearing.-Obtain cost from & pay Town secretary- make check out to ZBA Town of Lanesborough . ( estimate \$15 to \$20. )

- A Notice of Hearing has to be placed in a newspaper of general circulation once in each of successive weeks, the first publication to be not less than fourteen days before the day of the hearing. The newspaper notice of hearing will be prepared by the ZBA and will be placed in the newspaper by the Town. The newspaper notice cost will have to be paid by the petitioner prior to calling to order the Public Hearing.-Obtain cost from & pay Town secretary – make check out to the Berkshire Eagle. (estimate \$ 120 to &150. )

-The ZBA decision must be filed with the Register of Deeds.The filling cost has to be paid by the petitioner prior to calling to order the Public Hearing. Cost \$ 75.00 pay Town secretary- make check out to the Commonwealth of Mass.

-Once the Public Hearing is called to order, the petitioner will have to address the Finding & Questions required by the Law and the Town of Lanesborough Zoning by Laws. The ZBA recommends the Findings & Questions be addressed in a brief and submitted with the application to the ZBA.

Findings required: -Special Permit-Application:

- Is in compliance with all provisions and requirements of the Town of Lanesborough Zoning by Law and is in harmony with its general intent and purpose.
- Is essential or desirable to the public convenience of the welfare at the proposed location.
- Will not be detrimental to adjacent uses or the established or future character of the neighborhood.
- Will not create undue traffic congestion, or unduly impair pedestrian safety.
- Will not overload any public water, drainage or sewer system or any other municipal facility to such an extent that the proposed use or any existing uses in the immediate area or in any other area of the Town will be unduly subjected to hazards effecting public health ,safety or general welfare.

Questions required : -Variance- Application:

- Where the Enforcing Officer (Building Inspector) has refused a permit or where a particular use is sought for which no permit is allowed ,an Appeal may be made to the ZBA. The ZBA must find:
- That owing to circumstances relating to the soil conditions, shape, or topography of such land or structure and especially affecting such land or structure but not affecting generally the district in which it is located, a literal enforcement of the provision of this By-Law would involve substantial hardship to the petitioner.
- That desirable relief may be granted without substantial detriment to the public good.
- Without nullifying or substantially detracting from the intent or purpose of the By-Law.

-Appeal- Application :

- The ZBA shall hear and decide appeals by any aggrieved person subjected to any permit issued and authorized by the Town Of Lanesborough's Zoning by Laws.

R.W.Tinkham, chairman  
Zoning Board of Appeals  
Lanesborough, Mass.  
Tel. 413-448-8370

For a copy of the Town of Lanesborough Zoning by Laws ,see the Town Clerk.